

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

BYRON SMITH,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. 2:20-CV-271-WKW
	)	[WO]
MCR PUBLISHING, INC.,	)	
	)	
Defendant.	)	

**ORDER**

Plaintiff Byron Smith brings this action against Defendant MCR Publishing, Inc., alleging copyright infringement in violation of the Copyright Act, 17 U.S.C. §§ 106, 501. Counsel for Plaintiff, Mr. Richard P. Liebowitz, has made quite a name for himself in his short legal practice. To name a few, he has been called “a copyright troll,” “a legal lamprey,” and an “example of the worst kind of lawyering.” *Usherson v. Bandshell Artist Mgmt.*, No. 19-CV-6368 (JMF), 2020 WL 3483661, at \*1 (S.D.N.Y. June 26, 2020) (cleaned up) (collecting cases). He has earned these disreputable names, not from clients or opposing counsel or even on the street, but from the federal judiciary, most prevalently in the Southern District of New York, where he has filed more than 1,200 copyright infringement cases. *See id.* at \*1; *see also Wilson v. D’apostrophe Design, Inc.*, No. 20CV0003LAKKHP, 2020 WL 4883849, at \*3 (S.D.N.Y. Aug. 20, 2020) (“Wilson’s attorney, Mr. Liebowitz,

started filing copyright cases in this District in 2017. Since then, Mr. Liebowitz has become one of the most frequently sanctioned lawyers in this District for violations of court orders as well as dishonesty under oath.”) (citations omitted).

In *Usherson*, Judge Furman imposed monetary sanctions against Mr. Liebowitz totaling \$103,517.49 for repeatedly lying to the court concerning his compliance with a court order, for falsely alleging that the photograph was registered, and for not conducting a reasonable investigation into the copyright registration issue prior to filing suit. 2020 WL 3483661, at \*20. Judge Furman also ordered Mr. Liebowitz to file a copy of the court’s “Opinion and Order on the docket of any currently pending case that was brought by Mr. Liebowitz or his firm” no later than July 27, 2020. *Id.* at \*22.

This case was brought by Mr. Liebowitz and was pending on June 26, 2020, the date Judge Furman entered the *Usherson* decision. Yet, Mr. Liebowitz did not file a copy of the *Usherson* decision in this case, contrary to his representation to Judge Furman. *See Usherson v. Bandshell Artist Mgmt.*, No. 19-CV-6368 (JMF) (S.D.N.Y. July 27, 2020) (ECF No. 82) (Liebowitz’s declaration that he “searched on Pacer, in every federal judicial district around the country for [his] name as counsel of record” and “filed the Court’s Order” in “every currently pending case brought by [him] and [his law firm]”).

Accordingly, it is ORDERED that on or before **September 18, 2020**, Mr. Liebowitz shall file in this case a copy of Judge Furman's Opinion and Order, *Usherson v. Bandshell Artist Mgmt.*, No. 1:19-cv-6368-JMF (S.D.N.Y. June 26, 2020) (ECF No. 68). By the same date, he also shall inform Judge Furman's chambers that he failed to file the Opinion and Order in this case, and he shall file a declaration in this case attesting that he did so.

DONE this 11th day of September, 2020.

/s/ W. Keith Watkins

UNITED STATES DISTRICT JUDGE